

**REMARKS**

Reconsideration is requested.

Claims 43-45, 47 and 51 are pending. Independent claim 43 has been amended to obviate the outstanding Section 103 rejection of claims 43-45, 47 and 51 over U.S. Patent No. 5,585,096 in view of Olofsson (Arch. Virology, 1993, 128:241-256), Davey (Neurosurgery, 1991, 28:8-14), WO 92/13943 and Market (Neurosurgery, 1993, 32:597-603). The invention of the amended claim does not include a non-functional ribonucleotide reductase gene, as required by the combination of cited art. Entry of the above and withdrawal of the Section 103 rejection are requested.

The teleconference with the Examiner and the undersigned on or about April 22, 2003, is acknowledged, with appreciation. The undersigned contacted the Examiner on or about April 22, 2003, to inquire as to the outstanding objection relating to the Amendment filed January 22, 2001, especially in light of the Declaration pursuant to MPEP § 608.01(p)I.A.2 filed by facsimile by the undersigned on April 5, 2002. A further copy of the Declaration with the indicated attachments are filed herewith. The Examiner is requested to advise the undersigned if anything further is required in this regard. Reconsideration and withdrawal of the objection to the Amendment of January 22, 2001, stated on page 1 of the Office Action dated February 26, 2003 (Paper No. 34) is requested.

Entry of the above is believed to place the application in condition for allowance without raising new issues requiring further search and/or consideration and without entering new matter. Entry of the above and a Notice of Allowance are requested.

MacLEAN et al  
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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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